

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

OMAR H WESLEY,
by next friend BRENDA WESLEY,

Plaintiff,

Case No. 19-cv-0918-bhl

v.

ARMOR CORRECTIONAL HEALTH
SERVICES INC, et al.,

Defendants.

ORDER ON MOTION TO WITHDRAW AND MOTION FOR ENTRY OF DEFAULT

On December 20, 2022, attorney Christopher Riordan filed a motion to withdraw as counsel for Defendants Armor Correctional Health Services, Inc. (Armor), Courtney Holifield, and Kim Wolf. (ECF No. 242.) Because Armor is a corporation and therefore unable to appear *pro se*, see *Nocula v. UGS Corp.*, 520 F.3d 719, 725 (7th Cir. 2008), the Court scheduled a hearing to discuss the implications of Riordan's motion. (ECF No. 243.) That hearing occurred on January 4, 2023, and both Riordan and Armor's General Counsel, Santhia Curtis, appeared. (ECF No. 246 at 1.) Given the amount of time the case has already been pending and an upcoming mediation date, the Court ordered Armor to either resolve its issues with Riordan or retain replacement counsel by January 20, 2023. (*Id.* at 1-2.) The Court also warned that noncompliance would result in an entry of default against Armor. (*Id.* at 2); see *Casio Computer Co., Ltd. v. Noren*, 35 F. App'x 247, 249 (7th Cir. 2002) (corporations appearing *pro se* are subject to default). The January 20 deadline has now passed, and Armor has neither resolved its dispute with Riordan nor retained replacement counsel. (ECF No. 247 at 2.) Riordan has filed a proposed order for withdrawal, and Plaintiff has moved for default judgment as to Armor, Holifield, and Wolf. (ECF Nos. 247 & 248.) Consistent with the Court's prior statements, Riordan's request to withdraw is granted. The Court will also construe Plaintiff's motion as one seeking entry of default under Fed. R. Civ. P. 55(a) rather than default judgment under Rule 55(b), and grant it, but only in part. While

corporations cannot appear *pro se*, individual litigants can. There is, thus, no reason to enter default against either Holifield or Wolf. But consistent with its prior Order, the Court will direct the Clerk of Court to enter default against Armor.

IT IS HEREBY ORDERED that attorney Christopher Riordan's Motion to Withdraw as Counsel for Armor Correctional Health Services, Inc., Courtney Holifield, and Kim Wolf, ECF No. 242, is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiff's Motion for Entry of Default pursuant to Fed. R. Civ. P. 55(a), ECF No. 248, is **GRANTED, in part** and **DENIED, in part**. The Clerk of Court is directed to enter default against Defendant Armor Correctional Health Services, Inc. But default will not be entered against individual Defendants Courtney Holifield and Kim Wolf.

Dated at Milwaukee, Wisconsin on January 31, 2023.

s/ Brett H. Ludwig

BRETT H. LUDWIG

United States District Judge